

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

POWER TOOLS AND SUPPLY, INC.,

Plaintiff,

CASE NUMBER: 05-73615  
HONORABLE VICTORIA A. ROBERTS

v.

COOPER POWER TOOLS, INC.,

Defendant.

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ORDER

On May 1, 2007, this Court issued an Order to Kramer Air Tool and Service, Inc. ("Kramer") to show cause why it should not be compelled to comply with the subpoena Plaintiff Power Tools and Supply, Inc. ("Power Tools") served upon it on April 9, 2007.

Power Tools' filed an Application for Order of Third Party Discovery requesting documents. Kramer objected to the document request on three grounds: (1) it allegedly seeks confidential and propriety information and trade secrets and Plaintiff is a direct competitor; 2) it is overbroad in time and scope; and 3) it is not reasonably calculated to lead to the discovery of admissible evidence.

Kramer did not respond to the Order to Show Cause. Federal Rule of Civil Procedure 37(a)(1) provides for discovery from non-parties. Accordingly, Power Tools' Application for Order for Third Party Discovery is **GRANTED**. Kramer must comply with the subpoena no later than June 21, 2007.

Finally, the Court notes that if Kramer refuses to comply with this Order it will thereby be in contempt of and subject to sanctions from this Court. FED. R. CIV. P. 37(b)(1).

**IT IS ORDERED.**

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: June 13, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 13, 2007.

S/Linda Vertriest

Deputy Clerk